

APPLICATION FOR EXTENSION OF BROADCAST CONSTRUCTION
PERMIT OR TO REPLACE EXPIRED CONSTRUCTION PERMIT
(CAREFULLY READ INSTRUCTIONS ON BACK BEFORE COMPLETING)

For Commission Use Only

File No.

1. Legal Name of Applicant <i>(See instruction 1)</i> Raystay Company	3. PURPOSE OF APPLICATION: <input checked="" type="checkbox"/> a. Additional time to construct broadcast station <input type="checkbox"/> b. Construction permit to replace expired permit	
2. Mailing Address <i>(Number, street, city, state, ZIP code)</i> P.O. Box 38 Carlisle, PA 17013	4. IDENTIFICATION OF OUTSTANDING CONSTRUCTION PERMIT	
	File Number BMPTTL-911220JI	Call Letters W55BP
Telephone No. <i>(Include Area Code)</i> (717) 245-0040	Frequency 716-722 Mhz	Channel No. 55
	Station Location Lebanon, PA	

5. OTHER:
Submit as Exhibit No. N/A a list of the file numbers of pending applications concerning this station, e.g., major or minor modifications, assignments, etc.

6. EXTENT OF CONSTRUCTION:		(b) Has installation commenced? <input type="checkbox"/> YES <input type="checkbox"/> NO See Exhibit 1
(a) Has equipment been delivered? <input type="checkbox"/> YES <input type="checkbox"/> NO If NO, answer the following: See Exhibit 1	From Whom Ordered <i>(If no order has been placed, so indicate)</i> See Exhibit 1	If YES, submit as Exhibit No. _____ a description of the extent of installation and the date installation commenced.
Date Ordered	Date Delivery Promised	(c) Estimated date by which construction can be completed. See Exhibit 1

7. (a) If application is for extension of construction permit, submit as Exhibit No. 1 reason(s) why construction has not been completed.

(b) If application is to replace an expired construction permit, submit as Exhibit No. N/A the reason for not submitting a timely extension application, together with the reason(s) why construction was not completed during the period specified in the construction permit or subsequent extension(s).

8. Are the representations contained in the application for construction permit still true and correct? ☒ YES ☐ NO
If NO, give particulars in Exhibit No. _____

The APPLICANT hereby waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations and that all the exhibits are a material part hereof and are incorporated herein as set out in full in the application.

CERTIFICATION

I certify that the statements in this application are true and correct to the best of my knowledge and belief, and are made in good faith.


Legal Name of Applicant Raystay Company	Signature 
Title	Date

EXHIBIT 1

The permittee respectfully submits that a grant of the instant application would be in the public interest for the following reasons:

Initially, it must be noted that Raystay Co. has built and is currently the licensee of LPTV station W40AF licensed to Dillsburg, PA. Raystay built the station pursuant to a construction permit issued to it by the Commission.

At the present time, equipment for the station has not been ordered or delivered. Raystay, however, has had discussions with equipment suppliers concerning the types and prices of equipment that could be used at the site specified in the construction permit. It has entered into lease negotiations with representatives of the owners of the antenna site specified in the applications, although those negotiations have not been consummated. A representative of Raystay and an engineer have visited the antenna site and ascertained what site preparation work and modifications need to be done at the site.

Raystay has undertaken research in an effort to determine the programming that would be offered on the station. It has had discussions with program suppliers to determine what programs could be available for broadcast on the station. It has also had continuing negotiations with local cable television franchises to

ascertain what type of programming would enable the station to be carried on local cable systems.

The denial of this extension request could eliminate any possibility of the proposed LPTV service being offered to the community. No application mutually exclusive with Raystay's construction permit application was filed, so no other entity has expressed an interest in providing this service.

Accordingly, Raystay requests that the Commission extend the date for construction for a period of six months from the date this application is granted or from the date the current construction permit expires, whichever is later.

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LAW OFFICES
COHEN AND BERFIELD, P.C.

BOARD OF TRADE BUILDING

1129 20TH STREET, N.W.

WASHINGTON, D.C. 20036

(202) 466-8565

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(202) 785-0934

LEWIS I. COHEN
MORTON L. BERFIELD
ROY W. BOYCE
JOHN J. SCHAUBLE*

*VIRGINIA BAR ONLY

July 9, 1992

Mrs. Donna Searcy
Secretary
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

Dear Ms. Searcy:

On behalf of Raystay Company, permittee of low power television station W23AW at Lancaster, Pennsylvania, we are submitting an original and one copy of an application for additional time to construct that station.

Pursuant to the Commission's July 11, 1991 Public Notice (FCC Fees, 69 RR 2d 787, 788), no filing fee is required for this application.

Should there be any questions concerning this matter, kindly communicate directly with this office.

Respectfully submitted,

John J. Schauble

John J. Schauble

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Federal Communications Commission	
Docket No. <u>93-78</u>	Exhibit No. <u>536</u>
Presented by <u>mm</u>	<u>DEC 03 1993</u>
Disposition	<u>DEC 03 1993</u>
Rep. <u>A. W. Schner</u>	
Date <u>DEC 03 1993</u>	

APPLICATION FOR EXTENSION OF BROADCAST CONSTRUCTION
PERMIT OR TO REPLACE EXPIRED CONSTRUCTION PERMIT

For Commission Use Only

File No.

(CAREFULLY READ INSTRUCTIONS ON BACK BEFORE COMPLETING)

1. Legal Name of Applicant (See Instruction E)

Raystay Company

3. PURPOSE OF APPLICATION:

- ☒ a. Additional time to construct broadcast station
☐ b. Construction permit to replace expired permit

2. Mailing Address (Number, street, city, state, ZIP code)

P.O. Box 38
Carlisle, PA 17013

4. IDENTIFICATION OF OUTSTANDING CONSTRUCTION PERMIT:

File Number BMPTTL-911220IX	Call Letters W23AW
Frequency 524-530 Mhz	Channel No. 23
Station Location Lancaster, PA	

Telephone No. (Include Area Code)
(717) 245-0040

5. OTHER:

Submit as Exhibit No. N/A a list of the file numbers of pending applications concerning this station, e.g., major or minor modifications, assignments, etc.

6. EXTENT OF CONSTRUCTION:

(a) Has equipment been delivered? ☐ YES ☐ NO
If NO, answer the following: See Exhibit 1

From Whom Ordered (If no order has been placed, so indicate)

See Exhibit 1

(b) Has installation commenced? ☐ YES ☐ NO
See Exhibit 1

If YES, submit as Exhibit No. _____ a description of the extent of installation and the date installation commenced.

Date Ordered

Date Delivery Promised

(c) Estimated date by which construction can be completed.
See Exhibit 1

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Are the representations contained in the application for construction permit still true and correct? ☒ YES ☐ NO
If NO, give particulars in Exhibit No. _____

The APPLICANT hereby waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations and that all the exhibits are a material part hereof and are incorporated herein as set out in full in the application.

CERTIFICATION

I certify that the statements in this application are true and correct to the best of my knowledge and belief, and are made in good faith.


Legal Name of Applicant Raystay Company	Signature 
Title President	Date July 7/1992

EXHIBIT 1

The permittee respectfully submits that a grant of the instant application would be in the public interest for the following reasons:

Initially, it must be noted that Raystay Co. has built and is currently the licensee of LPTV station W40AF licensed to Dillsburg, PA. Raystay built the station pursuant to a construction permit issued to it by the Commission.

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ascertain what type of programming would enable the station to be carried on local cable systems.

The denial of this extension request could eliminate any possibility of the proposed LPTV service being offered to the community. No application mutually exclusive with Raystay's construction permit application was filed, so no other entity has expressed an interest in providing this service.

Accordingly, Raystay requests that the Commission extend the date for construction for a period of six months from the date this application is granted or from the date the current construction permit expires, whichever is later.

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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

SEP 23 1992

RECEIVED
SEP 24 1992

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

COHEN & BERFIELD

John J. Schauble
Cohen and Berfield, P.C.
Board of Trade Building
1129 20th Street, N.W.
Washington, D. C. 20036

In re: Low Power Television Applications
for Extension of Time:
Raystay Company
W31AX, Lancaster, PA
BMPTTL-920709IN
W23AW, Lancaster, PA
BMPTTL-920709IM
W38BE, Lebanon, PA
BMPTTL-920709IK
W55BP, Lebanon, PA
BMPTTL-920709IJ

WYA

Dear Schauble:

This refers to the above-referenced applications for extension of time within which to construct filed by you on behalf of Raystay Company ("Raystay").

In support of your request, you state that Raystay has entered into negotiations with representatives of the owners of the antenna sites specified in these applications. You also state the Raystay has undertaken research in an effort to determine programming. Based on these facts, the Commission has decided to afford Raystay a final opportunity to complete construction. These applications will be granted for an additional six months. Raystay is cautioned, however, that the Commission does not expect to grant any additional extensions of time or any assignments of the construction permits.

Sincerely,



Keith A. Larson
Chief, Low Power Television Branch
Video Services Division
Mass Media Bureau

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Federal Communications Commission

Docket No. 93-75 Exhibit No. 537

Presented by W. M. M.

DEC 03 1993

DEC 03 1993

Disposition

Reporter A. L. L.

Date DEC 03 1993

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LAW OFFICES

COHEN AND BERFIELD, P.C.

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(202) 785-0934

*VIRGINIA BAR ONLY

February 4, 1993

VIA FACSIMILE

Mr. David A. Gardner
Raystay Co.
P.O. Box 38
Carlisle, PA 17013

Dear David:

Raystay's four construction permits for LPTV stations expire on March 23, 1993. A decision needs to be made soon as to what action, if any, to take with respect to those permits.

If construction will be completed and a license application filed by March 23, no action need be taken at this time. Otherwise, the possible options are to: (1) file for another extension of time; (2) attempt to sell the construction permits to a third party for Raystay's expenses; or, (3) turn the permits into the Commission for cancellation.

When the Commission granted the last extension request, it warned that it did not expect to grant any additional requests. If substantial construction has taken place and construction can be completed within a few months, we may be able to convince the Commission to grant one last request. Recently, the Commission denied an extension request for an LPTV station that had nearly completed construction, but it then informally agreed to reinstate the permit if construction was completed within thirty days after the Commission denied the extension request. Since about three months passed between the time the extension request was filed and the time it was denied, the applicant, in essence, obtained several extra months to construct. There is no guarantee that the Commission would make the same offer in this case, but it is a possibility.

If substantial progress has not been made in constructing the station, it is doubtful whether the Commission would grant another extension. Furthermore, we doubt whether the Commission would allow Raystay to sell the permits at this time. Its September 23 letter states that it does not contemplate granting assignment applications. Once Raystay builds the stations and obtains licenses, it could then sell the stations for full market value. If Raystay attempted to sell the unbuilt construction permits, it could only recoup its expenses.

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Federal Communications Commission	
Docket No. <u>93-79</u>	Exhibit No. <u>538</u>
Presented by <u>AK mmb</u>	
Disposition	DEC 03 1993
	DEC 03 1993
Reporter <u>Adelman</u>	
Date <u>DEC 03 1993</u>	

Mr. David A. Gardner
Page Two
February 4, 1993

Finally, if a decision is made to do nothing with the permits, please let us know so we can turn them in to the Commission for cancellation.

Any extension request should be filed by February 23. If the decision is made to file an extension request, we will need a detailed report on the status of construction for each station.

Please call to discuss this matter.

Regards,



John J. Schauble

cc: Lee Sandifer (via facsimile)

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LAW OFFICES

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*VIRGINIA BAR ONLY

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(202) 785-0934

RECEIVED

MAR 23 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

March 23, 1993

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

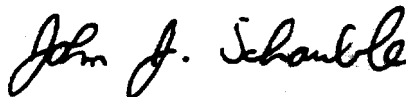
Dear Ms. Searcy:

This letter is written on behalf of Raystay Co. (Raystay), permittee of low-power television stations W23AW, Lancaster, PA; W31AX, Lancaster, PA; W38BE, Lebanon, PA; and W55BP, Lebanon, PA.

The aforementioned construction permits expire this date. Raystay has decided not to seek extensions of these permits or to take any further action with respect to those permits. Accordingly, the Commission may cancel these permits and delete the call signs from its records.

Should there be any questions concerning this matter, kindly communicate directly with this office.

Regards,



John J. Schauble

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Filing Date		Filing Commission		AW	
Docket No.		93-73		Exhibit No. 49539	
Presented by		M. M. G.		DEC 03 1993	
Disposition		Accepted		DEC 03 1993	
Reporter		A. W. L. M. G.		DEC 03 1993	
Date		DEC 03 1993		DEC 03 1993	

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AFFIDAVIT OF EDWARD RICK, III

I, Edward Rick, III, hereby declare as follows:

1. I am the Vice-President and an owner of Ready Mixed Concrete Company of Lancaster, Pennsylvania, 36 Erick Road, Lancaster, Pennsylvania (hereinafter referred to as "Ready Mixed"). As reflected in the documents attached to this Affidavit as Appendix A, I am the person identified in the Federal Communications Commission ("FCC") applications of Raystay Company ("Raystay") for authority to construct low power television stations on Channels 23 and 31 in Lancaster, Pennsylvania.

2. On February 14, 1989, I was visited at my office by a person who identified himself as Gregory B. Daly. Mr. Daly give me his card and told me that he was interested in placing a TV antenna on the roof of our plant. We discussed his proposal generally, and he provided me with a copy of the form letter attached to this Affidavit as Appendix B, which he asked me to sign. I refused, however, because I had very little information about his proposal. Although he led me to believe that the antenna he was talking about would be no more than ten or fifteen feet high, he was unable to tell me the exact size or weight of the structure, nor could he assure me that the antenna would not cause interference to other communications facilities that were located on the roof. Also, I felt that the form he had prepared contained legal jargon that might create a binding

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Reporter

A. McNamee

Date

DEC 03 1993

commitment which I was not willing to give, particularly without further information about his plans. I therefore declined to sign the form as requested.

3. In the alternative, Mr. Daly asked me to draft a brief letter expressing my general willingness and ability to negotiate a lease for space on our roof. He asked me to quote a ballpark figure for rent, which I did by randomly choosing the figure \$350 per month because I was not quite sure what he had in mind. Again, the clear impression he conveyed was that he needed roof space for a ten or fifteen foot antenna. We did not discuss particulars about the potential terms of a lease, nor did we discuss the specifics of his plans for the antenna. Attached to this Affidavit as Appendix C is a copy of the letter that I provided to Mr. Daly at the end of his visit.

4. Over two and a half years later, on October 16, 1991, I received a visit from two individuals whose names I do not recall. One of the visitors said that he was the "new owner of the rights" to place an antenna on our roof, but I was not sure what he meant because I knew I had not given such a right to anyone and I had not been contacted about the matter since Mr. Daly's visit in 1989. To the best of my recollection, I simply assumed they had received permission to build the facilities and that they were now looking to secure a suitable site. With that understanding, I spoke with them about whether our facilities

would suit their needs. One of the visitors told me that they would require a dust free area for their equipment, but I explained that, as a concrete company, we could not provide them with an area that would be dust free. In response, the visitors told me that our site would not be suitable and our conversation ended. They left after giving me the clear impression that they had no plans to pursue the matter with us further. Attached to this Affidavit as Appendix D is a copy of a note that I wrote and placed in my files at the conclusion of their visit.

5. I recently have been shown the engineering sketch attached to this Affidavit as Appendix E. I understand that Raystay submitted this sketch to the FCC in applications that it filed in March 1989 for two low power television station licenses in Lancaster. In reviewing the sketch, I can state with certainty that I did not tell Mr. Daly that Ready Mixed would consider leasing roof space for a structure like the one depicted in the diagram. As stated above, I was never fully aware what Mr. Daly was planning. Although he led me to believe that the antenna would be approximately ten or fifteen feet high, he could not answer my questions regarding the exact size of the antenna, and he did not explain to me how it would be mounted. I certainly was not aware that he was planning to ask the FCC for authority to construct a 97-foot structure sufficient to support two broadcast antennas. If Mr. Daly had told me of Raystay's true plans, I would have had immediate

concerns about the roof's capacity to hold such a structure. The section of the roof upon which Raystay has proposed to mount its antenna is simply a shed that was constructed to protect a conveyor head and some aggregate bins from the weather. The shed is made of 2-by-4's into which steel sheeting has been nailed. The shed has no steel foundation, and it would be structurally impossible for it support an object like the one depicted in Raystay's sketch. Therefore, had I been made aware of Raystay's plans, my conversation with Mr. Daly would have ended and I would never have provided him with the letter attached to this Affidavit as Appendix C.

6. I also have reviewed the statement attached hereto as Appendix F, which I understand was submitted to the FCC by Raystay in December 1991 and again in July 1992 to report the status of Raystay's construction efforts. To the best of my knowledge and belief, two assertions made in that statement are false. The first such assertion is that Raystay "has entered into lease negotiations with representatives of the owners of the antenna site specified in the applications..." As Vice-President and an owner of Ready Mixed, I have principal supervisory responsibility over all aspects of the company's operations, including the negotiation and approval of all lease agreements involving the company's facilities. To the best of my knowledge, Ready Mixed has had no lease negotiations with Raystay or any representative of that company at any time.